

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JESSICA SEGOVIA, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

BURLINGTON COAT FACTORY  
WAREHOUSE CORPORATION,

Defendant.

Case No. 1:24-cv-06730-CPO-MJS

**NOTICE OF MOTION TO  
DISMISS CLASS ACTION  
COMPLAINT**

**TO:** Yitzchak Kopel  
**BURSOR & FISHER, P.A.**  
1330 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, NY 10019  
ykopel@bursor.com  
*Attorney for Plaintiff*

**PLEASE TAKE NOTICE** that on October 7, 2024, or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Burlington Coat Factory Warehouse Corporation (“Burlington”), will move before the Honorable Christine P. O’Hearn, U.S.D.J. of the United States District Court for the District of New Jersey, located in the Mitchell H. Cohen Building & U.S. Courthouse, 4<sup>th</sup> & Cooper Streets, Camden, New Jersey 08101, for an Order granting the Burlington’s Motion to Dismiss Plaintiff’s Class Action Complaint (ECF No. 1) in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6), with prejudice; and

**PLEASE TAKE FURTHER NOTICE** that the Burlington will rely on the

attached Brief in Support of its Motion; and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is attached hereto; and

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

Dated: August 30, 2024

Respectfully submitted,

/s/ Stephen C. Matthews

Stephen C. Matthews

**DLA Piper LLP (US)**

51 John F. Kennedy Parkway, Ste. 120

Short Hills, New Jersey 07078

Tel: 973.520.2541

stephen.matthews@us.dlapiper.com

Isabelle L. Ord (*pro hac vice forthcoming*)

**DLA Piper LLP (US)**

555 Mission Street, Suite 2400

San Francisco, California 94105

Tel: (415) 836-2500

isabelle.ord@us.dlapiper.com

Austin Rainwater (*pro hac vice pending*)

Jeff DeGroot (*pro hac vice pending*)

Virginia Weeks (*pro hac vice forthcoming*)

**DLA Piper LLP (US)**

701 Fifth Street, Suite 6900,

Seattle, Washington 98104-7029

Tel: 206-839-4800

austin.rainwater@us.dlapiper.com

jeffrey.degroot@us.dlapiper.com

virginia.weeks@us.dlapiper.com

*Attorneys for Defendant*

*Burlington Coat Factory Warehouse*

*Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2024, I electronically filed the following documents using the Court's electronic filing system:

1. Notice Motion to Dismiss Class Action Complaint;
2. Defendant Burlington Coat Factory Warehouse Corporation's Brief in Support of Its Motion to Dismiss Class Action Complaint; and
3. Proposed Form of Order.

Parties may access this filing through Court's CM/ECF system.

Dated: August 30, 2024

*s/ Stephen C. Matthews*

Stephen C. Matthews